

2005 ASSEMBLY BILL 447

June 1, 2005 – Introduced by Representatives HONADEL, SHERIDAN, ALBERS, J. FITZGERALD, HINES, LAMB, LEHMAN, LOTHIAN, NISCHKE, OTT, RHOADES, SUDER, TOWNS, VAN ROY, VOS, VRAKAS, WOOD and ZEPNICK, cosponsored by Senators STEPP, PLALE, KANAVAS and OLSEN. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 101.02 (20) (a), 101.02 (21) (a), 101.19 (1) (b), 101.82 (1) and
2 101.86 (1) (a); and *to create* 15.157 (13), 101.19 (1) (k) and subchapter VII of
3 chapter 101 [precedes 101.981] of the statutes; **relating to:** regulating
4 elevators, escalators, and other similar conveyances, granting rule-making
5 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires the Department of Commerce (department) to establish reasonable standards or rules for the construction, repair, and maintenance of places of employment and public buildings so as to render them safe. Current law also requires all machines and mechanical devices installed in places of employment and public buildings to be in conformity with the orders of the department. In addition, with certain exceptions, the department must approve the essential drawings, calculations, and specifications (building plans) for the construction of places of employment and public buildings, including building plans related to elevators, escalators, ski lift and towing devices, and power dumbwaiters. Pursuant to these requirements, the department has promulgated a chapter of rules governing, among other things, the installation, inspection, maintenance, and repair of elevators and other conveyances.

This bill creates a subchapter of the statutes specifically governing elevators and other conveyances. Major provisions of this bill include:

Conveyance safety code

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The bill requires the department to promulgate rules establishing standards for the safe installation and operation of conveyances. The bill defines a conveyance to be an elevator, escalator, dumbwaiter, belt manlift, moving walkway, platform lift, stairway chair lift, or any other similar device used to elevate or move people or things, as provided in the rules of the department. The definition excludes grain elevators. The bill requires the department, in promulgating these rules, to consider the recommendations of the Conveyance Safety Code Council, which is established under the bill. The rules must satisfy all of the following:

1. They must be consistent, to the extent practicable, with national, industry-wide safety standards applicable to conveyances.
2. They must require any testing of conveyances or related equipment required under the rules to be performed by an elevator mechanic licensed by the department under the bill.
3. They must require any person who installs a new conveyance to give the owner of the building in which the conveyance is installed, before the conveyance is placed in operation, a written certification indicating that the installation complies with the rules.
4. They must include an enforcement procedure and a procedure pursuant to which the department may grant a variance from the rules if the variance would not jeopardize public safety.

Conveyance permits

Under the bill, no person may construct, install, or alter a conveyance in this state unless an elevator contractor licensed by the department has received a permit for the construction, installation, or alteration from the department. With certain exceptions, such a permit expires if work is not commenced under the permit within six months after the date the permit was issued. The bill also contains provisions relating to applications for and revocations of these permits.

Under the bill, no person may allow a conveyance to be operated on property owned by the person unless the person has received a permit for the operation from the department. The department may not issue a permit for the operation of a conveyance until the conveyance passes an inspection by an elevator inspector licensed by the department. The term of such a permit is one year, except that a permit applicable to a platform lift, stairway chair lift, or residential lift in a private residence is valid until ownership of the private residence is transferred, at which time the new owner must apply for renewal of the permit.

Licensing of elevator contractors, mechanics, and inspectors

With certain exceptions, this bill requires any person engaging in the business of constructing, installing, altering, servicing, replacing, or maintaining conveyances in this state to be licensed by the department as an elevator contractor. In addition, with certain exceptions, the bill requires any person who erects, constructs, alters, replaces, maintains, repairs, removes, or dismantles any conveyance in this state to be licensed by the department as an elevator mechanic and to be under the direct supervision of a licensed elevator contractor. Any person who performs elevator inspections in this state must likewise be licensed by the department as an elevator inspector and must hold a certification as an elevator

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inspector issued by a person approved by the American Society of Mechanical Engineers. The bill requires an applicant for any of these licenses to undergo a criminal background check. The term of these licenses under the bill is two years. The bill also contains provisions relating to applications for and revocation and suspension of these licenses. In addition, the bill establishes continuing education requirements and other provisions relating to renewal of these licenses.

The department may issue an elevator contractor's license only to a person who demonstrates to the satisfaction of the department that the person is adequately qualified and able to engage in business as an elevator contractor, except that, in certain circumstances, the department may summarily issue an elevator contractor's license to a person who is licensed as an elevator contractor under the laws of another state. Every person who applies for an elevator contractor's license must provide the department with a certificate of insurance issued by one or more insurers authorized to do business in this state, indicating that the person is insured in the amount of at least \$1,000,000 per occurrence because of bodily injury to or death of others, is insured in the amount of at least \$500,000 per occurrence because of damage to the property of others, and is insured to the extent required under the workers compensation laws.

With certain exceptions, the department may issue an elevator mechanic's license only to an individual who satisfies all of the following:

1. Demonstrates to the satisfaction of the department that the person is adequately qualified and able to perform the work of an elevator mechanic.
2. During the three years preceding the date of application, was continuously employed in a position requiring the individual to perform work relevant to the erection, construction, alteration, replacement, maintenance, repair, removal, or dismantling of conveyances, as verified by the individual's employers.
3. Satisfactorily completes a written examination administered by the department covering the provisions of the subchapter created in the bill and rules promulgated under that subchapter relevant to the license applied for or satisfactorily completes an elevator mechanic's examination approved by the department and administered by a nationally recognized training program established by the elevator industry.
4. Satisfactorily completes an elevator mechanic's apprenticeship program that is approved by the Department of Commerce and the Department of Workforce Development.

The bill contains three exceptions relating to an elevator mechanic's license. First, the department may summarily issue an emergency elevator mechanic's license if an emergency exists in this state due to disaster or work stoppage and the number of licensed elevator mechanics working in the area of the emergency is insufficient to cope with the emergency. An emergency elevator mechanic's license may be issued only to an individual who is certified by a licensed elevator contractor as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision, who the department determines is so qualified and able, and who applies for an emergency elevator mechanic's license on a form prescribed by the department. An emergency elevator mechanic's license has a term

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of 30 days and may be renewed by the department in the case of a continuing emergency. Second, if there are no licensed elevator mechanics available to provide services contracted for by a licensed elevator contractor, the elevator contractor may notify the department and request the issuance of a temporary elevator mechanic's license to any individual who is certified by the elevator contractor as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision and who applies for a temporary elevator mechanic's license on a form prescribed by the department. A temporary elevator contractor's license has a term of 30 days and may be renewed by the department in the case of a continuing shortage of licensed elevator mechanics. Third, the department may summarily issue an elevator mechanic's license to an individual who is licensed as an elevator mechanic under the laws of another state, if, in the opinion of the department, that state's regulation of elevator mechanics is substantially the same as this state's.

The bill also contains a grandfather provision applicable to any individual who, during the three-year period before the effective date of the subchapter created in the bill, performed primarily the work of an elevator mechanic, within the scope of his or her employment. Such an individual may apply to the department for an elevator mechanic's license during the 12-month period beginning on the effective date of the subchapter created in the bill. The department must issue an elevator mechanic's license to any such individual who, in the opinion of the department, is adequately qualified and able to perform the work of an elevator mechanic. The term of each such license is two years.

Other provisions

Under the bill, no city, village, town, or county may enact an ordinance or adopt a resolution regulating a matter specifically governed by the subchapter created in the bill or by a rule promulgated under that subchapter. The bill also invalidates any such ordinance that is in effect on the effective date of the new subchapter.

The bill requires the owner or lessee of any conveyance in operation on the effective date of the new subchapter to obtain any required operating permit no later than the first day of the 6th month beginning after the effective date of the new subchapter. This requirement does not apply to any person required to obtain a permit under rules of the department of commerce that are in effect before the effective date of the new subchapter.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 15.157 (13) of the statutes is created to read:

2 15.157 **(13)** CONVEYANCE SAFETY CODE COUNCIL. (a) There is created in the
3 department of commerce a conveyance safety code council consisting of the following
4 members appointed for 3-year terms:

5 1. One member representing a manufacturer of elevators.

6 2. One member representing an elevator servicing business.

7 3. One member representing an architectural design or elevator consulting
8 profession.

9 4. One member representing a labor organization whose members are involved
10 in the installation, maintenance, and repair of elevators.

11 5. One member representing a city, village, town, or county in this state.

12 6. One member representing an owner or manager of a building in this state
13 containing an elevator.

14 7. One member representing the public.

15 8. The secretary of commerce, or his or her designee.

16 9. An employee of the department of commerce, designated by the secretary of
17 commerce, who is familiar with commercial building inspections.

18 (b) The council shall meet at least twice a year. An employee of the department
19 of commerce designated by the secretary of commerce shall serve as nonvoting
20 secretary of the council.

21 **SECTION 2.** 101.02 (20) (a) of the statutes is amended to read:

22 101.02 **(20)** (a) For purposes of this subsection, “license” means a license,
23 permit or certificate of certification or registration issued by the department under
24 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
25 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,

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1 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
2 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

3 **SECTION 3.** 101.02 (21) (a) of the statutes is amended to read:

4 101.02 **(21)** (a) In this subsection, “license” means a license, permit or
5 certificate of certification or registration issued by the department under s. 101.09
6 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
7 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,
8 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
9 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

10 **SECTION 4.** 101.19 (1) (b) of the statutes is amended to read:

11 101.19 **(1)** (b) The required inspection of boilers, pressure vessels, refrigeration
12 plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers,
13 ~~elevators~~, ski towing and lift devices, escalators, dumbwaiters, and amusement or
14 thrill rides but not of amusement attractions.

15 **SECTION 5.** 101.19 (1) (k) of the statutes is created to read:

16 101.19 **(1)** (k) Administering subch. VII, except that the department may not
17 charge a fee for an emergency elevator mechanic’s license under s. 101.985 (2) (b) 2.
18 or a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway
19 chair lift, or any other lift in a private residence.

20 **SECTION 6.** 101.82 (1) of the statutes is amended to read:

21 101.82 **(1)** Adopt rules for the construction and inspection of electrical
22 construction of public buildings and places of employment and for the inspection of
23 electrical construction of places where farming, as defined in s. 101.01 (11), is
24 conducted. Where feasible, the standards used shall be those nationally recognized.
25 No rule may be ~~adopted~~ promulgated under this subsection which does not take into

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1 account the conservation of energy in construction and maintenance of buildings. No
2 rule may be promulgated under this subsection governing the wiring of any
3 conveyance, as defined under s. 101.981 (1) (b), from the mainline feeder terminals
4 on the controller.

5 **SECTION 7.** 101.86 (1) (a) of the statutes is amended to read:

6 101.86 (1) (a) Exercise jurisdiction over electrical construction and inspection
7 of electrical construction in public buildings and places of employment by passage
8 of ordinances, providing such ordinances meet the minimum requirements of the
9 department's rules adopted under this subchapter. A county ordinance shall apply
10 in any city, village or town which has not enacted such an ordinance. No municipality
11 may exercise jurisdiction over the wiring of any conveyance, as defined under s.
12 101.981 (1) (b), from the mainline feeder terminals on the controller.

13 **SECTION 8.** Subchapter VII of chapter 101 [precedes 101.981] of the statutes
14 is created to read:

15 **CHAPTER 101**

16 **SUBCHAPTER VII**

17 **ELEVATORS, ESCALATORS,**

18 **AND OTHER CONVEYANCES**

19 **101.981 Definitions; modification by rule. (1)** Except as provided in sub.
20 (2), in this subchapter:

21 (a) "Belt manlift" means a power-driven, looped belt equipped with steps or
22 platforms and a hand hold for the transportation of people from one floor of a building
23 or structure to another.

24 (b) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift,
25 moving walkway, platform lift, and stairway chair lift, and any other similar device,

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1 such as an automated people mover, used to elevate or move people or things, as
2 provided in the rules of the department. “Conveyance” does not include a grain
3 elevator.

4 (c) “Dumbwaiter” means a hoisting and lowering mechanism that satisfies all
5 of the following conditions:

6 1. Is equipped with a compartment that moves in guides in a substantially
7 vertical direction and has a floor area of not more than 9 square feet.

8 2. Has a maximum lifting and lowering capacity of not more than 500 pounds.

9 3. Is used exclusively for carrying materials

10 (d) “Elevator” means a hoisting or lowering machine, other than a dumbwaiter,
11 equipped with a compartment or platform that moves in guides and serves 2 or more
12 floors or landings of a building or structure.

13 (e) “Escalator” means a power-driven, moving stairway used for raising and
14 lowering people.

15 **(2)** The department shall promulgate rules establishing additional definitions
16 to the extent the department deems necessary for the proper administration and
17 enforcement of this subchapter. The department, by rule, may modify definitions
18 established under sub. (1). To the extent practicable, the department shall ensure
19 that any definitions or modifications promulgated under this subsection are
20 consistent with national, industry-wide safety standards governing matters
21 regulated by this subchapter.

22 **101.982 Conveyance safety code.** The department shall promulgate rules
23 establishing standards for the safe installation and operation of conveyances. In
24 promulgating rules under this section the department shall consider the
25 recommendations of the conveyance safety code council under s. 101.986. The rules

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1 shall be consistent, to the extent practicable, with national, industry-wide safety
2 standards applicable to conveyances. The rules shall require any testing of
3 conveyances or related equipment required under the rules to be performed by an
4 elevator mechanic licensed under s. 101.985 (2). The rules shall require any person
5 who installs a new conveyance to give the owner of the building in which the
6 conveyance is installed, before the conveyance is placed in operation, a written
7 certification indicating that the installation complies with the rules promulgated
8 under this section. The rules shall include an enforcement procedure and a
9 procedure pursuant to which the department may grant a variance from the rules
10 if the variance would not jeopardize public safety.

11 **101.983 Conveyance permits required. (1)** CONSTRUCTION, INSTALLATION,
12 AND ALTERATION. (a) *Permit required.* No person may construct, install, or alter a
13 conveyance in this state unless an elevator contractor licensed by the department
14 under s. 101.985 (1) has received a permit for the construction, installation, or
15 alteration from the department.

16 (b) *Application.* A person applying for a permit under par. (a) shall include,
17 along with the application, copies of specifications and accurately scaled and fully
18 dimensioned plans showing the location of the construction, installation, or
19 alteration in relation to the plans and elevation of the building; the location of the
20 applicable machinery room, if any, and the equipment to be constructed, installed,
21 or altered; and all structural supporting members relevant to the construction,
22 installation, or alteration, including foundations. The specifications and plans shall
23 be sufficiently complete to illustrate all details of design and construction,
24 installation, or alteration. The application shall specify all materials to be used and
25 all loads to be supported or conveyed. The department may authorize a person to

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1 include the application and other information required under this paragraph with
2 any submission required under s. 101.12 (1) to avoid duplicative filing of information.

3 (c) *Revocation.* The department may revoke a permit issued under this
4 subsection if the department finds any of the following:

5 1. That information submitted under par. (b) by the person obtaining the
6 permit contains false statements or misrepresentations of material fact.

7 2. That the permit was issued in error.

8 3. That the work performed under the permit is not consistent with information
9 submitted under par. (b) by the person obtaining the permit or is in violation of this
10 subchapter or rules promulgated under this subchapter.

11 (d) *Expiration.* A permit issued under this subsection expires under any of the
12 following circumstances:

13 1. If the work authorized under the permit is not commenced within 6 months
14 after the date on which the permit is issued, or within a shorter period of time as
15 specified by the department at the time the permit is issued.

16 2. If the work authorized under the permit is suspended or abandoned for 60
17 consecutive days at any time following the commencement of the work, or for a
18 shorter period of time as specified by the department at the time the permit is issued.

19 **(2) OPERATION.** (a) *Permit required.* No person may allow a conveyance to be
20 operated on property owned by the person unless the person has received a permit
21 for the operation from the department. The department may not issue a permit
22 required under this paragraph until all inspections required under par. (c) are
23 completed.

24 (b) *Application.* For a newly installed conveyance, the elevator contractor that
25 contracted to perform the installation shall apply for the initial permit required

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1 under par. (a) on behalf of the owner of the building in which the conveyance is
2 located. Applications for renewal of the permit shall be made by the owner.

3 (c) *Inspections.* The department may not issue or renew a permit under this
4 subsection unless the department has received an inspection report for the
5 conveyance issued by an elevator inspector licensed under s. 101.985 (3) indicating
6 that the conveyance complies with this subchapter and any applicable rules
7 promulgated under this subchapter. Upon request of the owner of a private residence
8 containing a newly installed platform lift, stairway chair lift, or residential lift or of
9 the new owner of a private residence containing a previously installed platform lift,
10 stairway chair lift, or residential lift, the department shall inspect the lift or
11 equipment for compliance with this subchapter and any applicable rules
12 promulgated under this subchapter. This inspection by the department does not
13 exempt the owner from the requirement to ensure that the department receives an
14 inspection report from a licensed elevator inspector. Upon performing this
15 inspection, the department shall give the owner notice of relevant conveyance safety
16 requirements and shall instruct the owner as to the procedure for obtaining periodic
17 inspections and renewing the permit under which the lift or equipment is operated.

18 (d) *Term and posting requirements.* A permit issued under this subsection has
19 a term of one year, except that a permit applicable to a platform lift, stairway chair
20 lift, or residential lift in a private residence is valid until ownership of the private
21 residence is transferred, at which time the new owner shall apply for renewal of the
22 permit under par. (b). The owner of the building or residence in which a conveyance
23 is located shall display the permit under par. (a) applicable to the conveyance on or
24 in the conveyance or, if applicable, in the machinery room.

1 **101.984 Licenses and supervision required. (1) ELEVATOR CONTRACTOR.**

2 No person may engage in the business of constructing, installing, altering, servicing,
3 replacing, or maintaining conveyances in this state unless the person is licensed as
4 an elevator contractor under s. 101.985 (1).

5 **(2) ELEVATOR MECHANIC. (a) Generally.** Except as provided in par. (c), no
6 individual may erect, construct, alter, replace, maintain, repair, remove, or
7 dismantle any conveyance in this state unless the individual is licensed as an
8 elevator mechanic under s. 101.985 (2) and is or is under the direct supervision of a
9 person licensed as an elevator contractor under s. 101.985 (1).

10 **(b) Electrical construction.** No individual may wire any conveyance in this
11 state from the mainline feeder terminals on the controller unless the individual is
12 licensed as an elevator mechanic under s. 101.985 (2) and is or is under the direct
13 supervision of a person licensed as an elevator contractor under s. 101.985 (1).

14 **(c) Exceptions. 1.** Paragraph (a) does not apply to an individual who removes
15 or dismantles a conveyance that is destroyed as a result of a complete demolition of
16 a building or where the hoistway or wellway is demolished back to the basic support
17 structure such that the hoistway or wellway is inaccessible.

18 **2.** Paragraphs (a) and (b) do not apply to any of the following:

19 a. An individual who is enrolled in and performing tasks that are within the
20 scope of an elevator mechanic's apprenticeship program that is approved by the
21 department of commerce and by the department of workforce development.

22 b. An individual performing tasks under the direct supervision of and as a
23 helper to an individual licensed as an elevator mechanic under s. 101.985 (2).

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1 c. An individual who performs work described under par. (a) or (b) during the
2 5–day period preceding the date on which the individual applies for and receives an
3 emergency elevator contractor’s license under s. 101.985 (2) (b) 2.

4 **(3) ELEVATOR INSPECTOR.** No individual may perform an elevator inspection in
5 this state unless the individual is licensed as an elevator inspector under s. 101.985
6 (3) and holds a certification as an elevator inspector issued by a person approved by
7 the American Society of Mechanical Engineers.

8 **101.985 Licensing qualifications and procedure. (1) ELEVATOR**
9 **CONTRACTOR.** Except as otherwise provided in this subsection, the department may
10 issue an elevator contractor’s license only to a person who demonstrates to the
11 satisfaction of the department that the person is adequately qualified and able to
12 engage in business as an elevator contractor. The department may summarily issue
13 an elevator contractor’s license to a person who is licensed as an elevator contractor
14 under the laws of another state, if, in the opinion of the department, that state’s
15 regulation of elevator contractors is substantially the same as this state’s. Every
16 person who applies for a license under this subsection shall provide the department
17 with a certificate of insurance issued by one or more insurers authorized to do
18 business in this state, indicating that the person is insured in the amount of at least
19 \$1,000,000 per occurrence because of bodily injury to or death of others, is insured
20 in the amount of at least \$500,000 per occurrence because of damage to the property
21 of others, and is insured to the extent required under ch. 102. A person who is issued
22 a license under this subsection shall notify the department in writing of any material
23 change in these insurance coverages at least 10 days before the change takes effect.

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1 **(2) ELEVATOR MECHANIC.** (a) Except as provided in par. (b), the department may
2 issue an elevator mechanic's license only to an individual who satisfies all of the
3 following:

4 1. Demonstrates to the satisfaction of the department that the person is
5 adequately qualified and able to perform the work of an elevator mechanic.

6 2. During the 3 years preceding the date of application, was continuously
7 employed in a position requiring the individual to perform work relevant to the
8 erection, construction, alteration, replacement, maintenance, repair, removal, or
9 dismantling of conveyances, as verified by the individual's employers.

10 3. Satisfactorily completes a written examination administered by the
11 department covering the provisions of this subchapter and rules promulgated under
12 this subchapter relevant to the license applied for or satisfactorily completes an
13 elevator mechanic's examination approved by the department and administered by
14 a nationally recognized training program established by the elevator industry.

15 4. Satisfactorily completes an elevator mechanic's apprenticeship program
16 that is approved by the department of commerce and the department of workforce
17 development.

18 (b) 1. Paragraph (a) does not apply to an individual who is licensed as an
19 elevator mechanic under the laws of another state, if, in the opinion of the
20 department, that state's regulation of elevator mechanics is substantially the same
21 as this state's. The department may summarily issue an elevator mechanic's license
22 to such an individual.

23 2. If an emergency exists in this state due to disaster or work stoppage and the
24 number of licensed elevator mechanics working in the area of the emergency is
25 insufficient to cope with the emergency, the department may summarily issue an

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1 emergency elevator mechanic's license to any individual who is certified by an
2 elevator contractor licensed under this subchapter as adequately qualified and able
3 to perform the work of an elevator mechanic without direct and immediate
4 supervision, who the department determines is so qualified and able, and who
5 applies for an emergency elevator mechanic's license on a form prescribed by the
6 department. An emergency elevator mechanic's license has a term of 30 days and
7 may be renewed by the department in the case of a continuing emergency. The
8 department shall specify on an emergency elevator mechanic's license the
9 geographic area in which the licensee may provide services under the license.
10 Paragraph (a) does not apply to an individual who applies for an emergency elevator
11 mechanic's license.

12 3. If there are no elevator mechanics licensed under this subchapter available
13 to provide services contracted for by an elevator contractor licensed under this
14 subchapter, the elevator contractor may notify the department and request the
15 issuance of a temporary elevator mechanic's license to any individual who is certified
16 by the elevator contractor as adequately qualified and able to perform the work of
17 an elevator mechanic without direct and immediate supervision and who applies for
18 a temporary elevator mechanic's license on a form prescribed by the department. A
19 temporary elevator mechanic's license has a term of 30 days and may be renewed by
20 the department in the case of a continuing shortage of licensed elevator mechanics.
21 The department shall specify on a temporary elevator mechanic's license the elevator
22 contractor in whose employ the licensee must remain to provide services under the
23 temporary elevator mechanic's license. Paragraph (a) does not apply to an individual
24 who applies for a temporary elevator mechanic's license.

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1 **(3) ELEVATOR INSPECTOR.** The department may issue an elevator inspector's
2 license only to an individual who demonstrates to the satisfaction of the department
3 that the individual is adequately qualified and able to provide elevator inspection
4 services. Every individual who applies for a license under this subsection shall
5 provide the department with a certificate of insurance issued by one or more insurers
6 authorized to do business in this state, indicating that the individual is insured in
7 the amount of at least \$1,000,000 per occurrence because of bodily injury to or death
8 of others, is insured in the amount of at least \$500,000 per occurrence because of
9 damage to the property of others, and is insured to the extent required under ch. 102.
10 An individual who is issued a license under this subsection shall notify the
11 department in writing of any material change in these insurance coverages at least
12 10 days before the change takes effect.

13 **(4) CRIMINAL BACKGROUND CHECK.** Upon receipt of an application for a license
14 under sub. (1), (2) (a), or (3), the department, with the assistance of the department
15 of justice, shall conduct a background investigation of the applicant to determine if
16 the information provided by the applicant under sub. (7) (f) is true and if applicant
17 has any arrests or convictions tending to indicate that the applicant is not adequately
18 qualified and able to provide services authorized under the license applied for.

19 **(5) ISSUANCE, TERM, RENEWAL, AND CONTINUING EDUCATION.** (a) *Issuance and term.*
20 Except as provided under s. 101.02 (20) (b) and (21) (b), the department shall issue
21 a license to any applicant who satisfies the applicable requirements of subs. (1) to (3)
22 and the rules of the department and who pays any applicable fee required by rule of
23 the department under s. 101.19 (1) (k). Except as provided under sub. (2) (b) 2. and
24 3., the term of each license is 2 years.

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1 (b) *Renewal and continuing education.* 1. Except as otherwise provided in this
2 subdivision and subd. 3., an applicant for renewal of a license under sub. (1) shall
3 provide to the department a certificate indicating that, during the one-year period
4 before the date on which the applicant's license expires, the applicant satisfactorily
5 completed at least 8 hours of education from a program certified under subd. 4. or
6 provided instruction for a program certified under subd. 4. If the applicant is not an
7 individual, the certificate shall indicate that the education was satisfactorily
8 completed or instruction was provided by an individual who, as of the date of the
9 application, is an agent of the applicant.

10 2. Except as provided in subd. 3., an applicant for renewal of a license under
11 sub. (2) (a) or (b) 1. or (3) shall provide to the department a certificate indicating that,
12 during the one-year period before the date on which the applicant's license expires,
13 the applicant satisfactorily completed at least 8 hours of education from a program
14 certified under subd. 4. or provided instruction for a program certified under subd.
15 4.

16 3. An applicant for renewal of a license under sub. (1), (2) (a) or (b) 1., or (3),
17 may apply to the department for a waiver of the requirements of subd. 1 or 2., as
18 appropriate, on the grounds of temporary disability. An applicant applying for a
19 waiver under this subdivision shall provide the department with a statement signed
20 by a physician licensed to practice medicine in this state attesting to the temporary
21 disability. The department shall consider each application for a waiver under this
22 subdivision individually on its merits and may grant a waiver for any meritorious
23 application. Any person granted a waiver under this subdivision shall, upon
24 termination of the disability, provide the department with a statement signed by a
25 physician licensed to practice medicine in this state attesting to the termination of

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1 the disability. A waiver granted under this subdivision is valid until the 90th day
2 following the date on which the department receives the physician's statement
3 attesting to the termination of the disability, unless the department determines that
4 a different expiration date is appropriate due to the applicant's failure to provide the
5 physician's statement.

6 4. The department shall certify educational programs that may be used to
7 satisfy subd. 1. or 2. Each program shall be designed to educate attendees as to the
8 provisions of this subchapter and rules promulgated by the department under this
9 subchapter. The department shall prescribe an application form for use by an
10 educational program desiring certification under this subdivision. Each educational
11 program making an application shall submit a list of instructors, together with an
12 explanation of each instructor's credentials and any other information required by
13 the department. Each educational program certified under this subdivision shall
14 keep records of attendance for 10 years and shall make the records available to the
15 department for inspection. The department may revoke the certification of any
16 educational program that falsifies or knowingly allows another to falsify records of
17 attendance or certificates of completion.

18 **(6) REVOCATION AND SUSPENSION.** The department may revoke or suspend a
19 license under subs. (1) to (3) if the department finds any of the following:

20 (a) That the licensee made a false statement of material fact in an application
21 submitted to the department.

22 (b) That the license was obtained by fraud, misrepresentation, or bribery.

23 (c) That the licensee failed to notify the department and the owner or lessee of
24 a conveyance that the conveyance failed to meet the requirements of this subchapter
25 or rules promulgated under this subchapter.

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1 (d) That the licensee violated this subchapter or any rule promulgated under
2 this subchapter.

3 (7) APPLICATION. Each application for a license under subs. (1) to (3) shall be
4 made on a form prescribed by the department and each application for a license
5 under sub. (1), (2) (a), or (3) shall contain at least the following information:

6 (a) *Names and addresses.*

7 1. If the applicant is an individual, the applicant's name and residential
8 address.

9 2. If the applicant is a sole proprietorship, the applicant's name and residential
10 and business addresses.

11 3. If the applicant is a partnership, the name and business address of the
12 partnership and the names and residential addresses of each partner.

13 4. If the applicant is a corporation, the name and principal business address
14 of the corporation, the name and address of the corporation's registered agent for
15 service of process, and the name and residential address of the principal officer of the
16 corporation.

17 5. If the applicant is a limited liability company, the name and principal
18 business address of the limited liability company, the name and address of the
19 limited liability company's registered agent for service of process, and the name and
20 residential address of each member of the limited liability company.

21 (b) *Experience.* The number of years the applicant has performed work or
22 engaged in the business to be authorized under the license.

23 (c) *Employment.* If the application is for an elevator contractor's license, the
24 approximate number of individuals, if any, the applicant will employ upon licensure.

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1 (d) *Use of licensed elevator mechanics.* If the application is for an elevator
2 contractor's license, a certification that all work described in s. 101.984 (2) (a) and
3 (b) that the person will contract to perform under the license will be performed by
4 elevator mechanics licensed under sub. (2).

5 (e) *Proof of insurance.* Satisfactory evidence that the applicant is or, upon
6 licensure, will be insured to the extent required under sub. (1) or (3).

7 (f) *Criminal history.* A description of each of the applicant's criminal arrests
8 and convictions, if any.

9 **101.986 Conveyance safety code council duties.** The conveyance safety
10 code council shall review this subchapter and rules promulgated under this
11 subchapter and recommend a statewide conveyance safety code for promulgation by
12 the department. The council shall consider and make recommendations to the
13 department pertaining to rules for the enforcement of this subchapter, the granting
14 of variances, administrative appeal procedures, fees, and any other matter under
15 this subchapter.

16 **101.987 Local government authority. (1) AUTHORITY LIMITED.** No city,
17 village, town, or county may enact an ordinance or adopt a resolution regulating a
18 matter specifically governed by this subchapter or by a rule promulgated under this
19 subchapter.

20 **(2) RETROACTIVE EFFECT.** If a city, village, town, or county has in effect on the
21 effective date of this subsection [revisor inserts date], an ordinance or resolution
22 that is inconsistent with sub. (1), the ordinance or resolution does not apply and may
23 not be enforced.

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1 **101.988 Enforcement and penalties. (1) INVESTIGATIONS.** (a) *Initiated by*
2 *department.* The department may perform investigations to aid in the enforcement
3 of this subchapter and rules promulgated under this subchapter.

4 (b) *Initiated by public.* Any person may file a written notice with the
5 department, requesting the department to investigate an alleged violation of this
6 subchapter or rules promulgated under this subchapter or a dangerous condition
7 involving a conveyance. The notice shall set forth the specific grounds for the request
8 and shall be signed by the person filing the notice. Upon request of the person filing
9 the notice, the department shall keep the person's name confidential and shall
10 withhold the name from public inspection under s. 19.35 (1), except that the
11 department may disclose the name to a law enforcement officer for official purposes.
12 If the department determines that there are reasonable grounds to believe that the
13 alleged violation or dangerous condition exists, the department shall investigate to
14 determine if the alleged violation or dangerous condition exists. If the department
15 determines that there are no such reasonable grounds, the department shall notify
16 the person filing the notice.

17 **(2) ORDERS OF THE DEPARTMENT.** The department may issue orders to enforce
18 this subchapter and rules promulgated under this subchapter.

19 **(3) PENALTIES.** Any person who violates this subchapter or rules promulgated
20 under this subchapter may be fined not more than \$1,500 or imprisoned for not more
21 than 30 days or both, except that, notwithstanding s. 939.61 (1), the owner of a
22 private residence in which a conveyance is located may not be fined or required to
23 pay a forfeiture to this state as a result of any violation involving that conveyance.

24 **SECTION 9. Nonstatutory provisions.**

ASSEMBLY BILL 447**SECTION 9**

1 (1) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
2 beginning after the effective date of this subsection, the department of commerce
3 shall submit in proposed form the rules governing subchapter VII of chapter 101 of
4 the statutes, as created by this act, and the fees permitted under section 101.19 (1)
5 (k) of the statutes, as created by this act, to the legislative council staff under section
6 227.15 (1) of the statutes.

7 (2) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. If a person is affected by a
8 collective bargaining agreement that is in effect on the effective date of this
9 subsection and that contains provisions that are inconsistent with subchapter VII
10 of chapter 101 of the statutes, as created by this act, then, notwithstanding
11 subchapter VII of chapter 101 of the statutes, as created by this act, the person may
12 perform its obligations, and exercise its rights, under those provisions of the
13 collective bargaining agreement until the collective bargaining agreement expires
14 or is extended, modified, or renewed, whichever occurs first.

15 (3) INITIAL MEMBERS OF CONVEYANCE SAFETY CODE COUNCIL. Notwithstanding the
16 length of terms specified for the conveyance safety code council under section 15.157
17 (13) (a) of the statutes, as created by this act, the initial members appointed under
18 section 15.157 (13) (a) 1. to 3. of the statutes, as created by this act, shall be appointed
19 for terms that expire on July 1, 2007, the initial members appointed under section
20 15.157 (13) (a) 4. and 5. of the statutes, as created by this act, shall be appointed for
21 terms that expire on July 1, 2008, and the initial members appointed under section
22 15.157 (13) (a) 6. and 7., as created by this act, shall be appointed for terms that
23 expire on July 1, 2009.

24 (4) GRACE PERIOD FOR OBTAINING PERMIT TO OPERATE EXISTING CONVEYANCES.
25 Notwithstanding section 101.983 (2) of the statutes, as created by this act, the owner

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1 or lessee of any conveyance, as defined in section 101.981 (1) (b) of the statutes, as
2 created by this act, in operation on the effective date of this subsection shall obtain
3 the permit required under section 101.983 (2) of the statutes, as created by this act,
4 no later than the first day of the 6th month beginning after the effective date of this
5 subsection. This subsection does not apply to any person required to obtain a permit
6 under rules of the department of commerce that are in effect before the effective date
7 of this subsection.

8 (5) GRANDFATHER PROVISION: ELEVATOR MECHANIC'S LICENSE. Any individual who,
9 during the 3-year period before the effective date of this subsection, performed
10 primarily work described under section 101.984 (2) (a) or (b) of the statutes, as
11 created by this act, within the scope of his or her employment, may apply to the
12 department of commerce for an elevator mechanic's license during the 12-month
13 period beginning on the effective date of this subsection. The department shall
14 prescribe an application form for use under this subsection, requiring any
15 information that the department deems relevant. Notwithstanding section 101.985
16 (2) and (5) (a) of the statutes, as created by this act, the department shall issue an
17 elevator mechanic's license to any such individual who, in the opinion of the
18 department, is adequately qualified and able to perform the work of an elevator
19 mechanic. The term of each license issued under this subsection is 2 years.

20 **SECTION 10. Effective dates.** This act takes effect on the first day of the 12th
21 month beginning after publication, except as follows:

22 (1) PROPOSED RULES. SECTION 9 (1) of this act takes effect on the day after
23 publication.

24

(END)